

decision there remove his case to the federal court and thus take the benefit of two chances where others have but one—nor that the right of entertaining the question in this case had been exercised by the federal judiciary after it had been postponed on the party's first election. * * * I hope our courts will never countenance the sweeping pretensions which have been set up under the words "general defence and public welfare." The words only express the motives which induced the Constitution to give the ordinary Legislature certain specified powers which they enumerated which they thought might be trusted to the ordinary Legislature and not to give them the unspecified also; or why any specification? They could not be so awkward in language as to mean, as we say, "all and some." And should this construction prevail, all limits to the federal government are done away. (To Judge. Roane, 1815. C. VI., 494-)

JUDICIARY,, FEDERAL.—The nation (in 1800) declared its will by dismissing functionaries of one principle and electing those of another in the two branches, executive and legislative, submitted to their election. Over the judiciary department the Constitution had deprived them of their control. That, therefore, has continued the reprobated system, and although new matter has occasionally been incorporated into the old, yet the leaven of the old mass seems to assimilate to itself the new, and after twenty years' confirmation, of the federated system by the voice of the nation declared through the medium of election we find the judiciary on every occasion still drawing" us into consolidation. In

denying the right they usurp of exclusively explaining the Constitution I go further than you do, if I understand rightly your quotation from the Federalist of an opinion that "the judiciary is the last resort in relation to the other departments of the government, but not in relation to the rights of the parties, to the compact under which the judiciary is derived." If this opinion be sound then indeed is our Constitution a complete *felo de se*. For intending to establish three departments, co-ordinate and independent, that they might check and balance one another, it has given accord-